



BOX PCT
IN THE UNITED STATES DESIGNATED OFFICE
OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
UNDER THE PATENT COOPERATION TREATY-CHAPTER II

5 **APPLICANTS' RESPONSE TO THE MARCH 15, 2004 OFFICE ACTION**

APPLICANTS: Lidman et al. GROUP ART UNIT: 3762
SERIAL NO.: 09/787,735 EXAMINER: Frances P. Oropeza
FILED: October 15, 2001 CONFIRMATION NO.: 6548
10 TITLE: "APPARATUS FOR DETERMINING THE ACTUAL
STATUS OF A PIEZOELECTRIC SENSOR IN A
MEDICAL IMPLANT"

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

15 Sir:

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Applicants and their counsel have carefully reviewed the Office Action dated March 15, 2004, but believe the claims in their present form are patentable over the references relied upon in that Office Action by the Examiner. Reconsideration of the application in view of the following
20 arguments in support of patentability is therefore respectfully requested.

REMARKS:

In the Office Action dated March 15, 2004, claims 14, 15, 21 and 26 were rejected under 35 U.S.C. §102(b) as being anticipated by Mann et al. Claims 16 and 22-24 were rejected under 35 U.S.C. §103(a) as being
25 unpatentable over Mann et al. in view of Lidman et al. Claim 25 was rejected under 35 U.S.C. §103(a) as being unpatentable over Mann et al. in view of Barreras et al.

Applicants note with appreciation that claims 17-20 were stated to contain allowable subject matter, and would be allowable if rewritten in
30 independent form. Applicants, however, respectfully traverse the above

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TELEPHONE (312) 258-5500

SCHIFF HARDIN LLP

PATENT DEPARTMENT
6600 SEARS TOWER
233 SOUTH WACKER DRIVE
CHICAGO, ILLINOIS 60606

In application of: Lidman et al.

CONFIRMATION NO. 6548

Serial No.: 09/787,735

GROUP ART UNIT: 3762

Date: October 15, 2001

EXAMINER: Frances P. Oropeza

For: "APPARATUS FOR DETERMINING THE ACTUAL STATUS OF A PIEZOELECTRIC SENSOR IN A MEDICAL IMPLANT"

APPLICANTS' RESPONSE TO THE MARCH 15, 2004 OFFICE ACTION

Commissioner for Patents
P. O. Box 1450
Alexandria, VA. 22313-1450
SIR:

Transmitted herewith is an amendment in the above-identified application.

☒ No additional fee is required.

The fee has been calculated as shown below.

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CLAIMS AS AMENDED						
	(2) CLAIMS REMAINING AFTER AMENDMENT		(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEE
TOTAL CLAIMS	*	MINUS	** 20	X	() X 9.00 () X 18.00	
INDEP. CLAIMS	*	MINUS	3	X	() X 40.00 () X 80.00	
Application amended to contain any multiple dependent claims not previously paid for.				() YES () NO	() \$135.00 () \$270.00 ONE TIME	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$0.00

* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20 write "20" in this space.

☐ Applicants petition the Commissioner of Patents and Trademarks to extend this time for response to the Office Action dated _____ for _____ month so that the period for response is extended to _____. A check in the amount of \$_____ is attached to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to deposit account No. 501519. A duplicate copy of this sheet is enclosed.

☐ A check in the amount of \$_____ is attached.

☐ A check for \$_____ accompanying IDS under 37 CFR 1.97(c) is attached

☐ A check for \$_____ and Petition for Consideration of IDS under 37 CFR 1.97(d) is attached.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519. A duplicate of this sheet is enclosed.

When phoning re this application, please call (312) 258-5500.

SCHIFF HARDIN LLP (Customer Number: 26574)
Patent Department

BY Steven H. Noll (28,982)

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on June 14, 2004.

Steven H. Noll

NAME OF APPLICANT'S ATTORNEY

Steven H. Noll

SIGNATURE

June 14, 2004

DATE